

**ORDER OF THE STATE PERSONNEL BOARD**

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STEVEN DEAN PONTIUS,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

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The State Personnel Board (the "Board") met in public session on Tuesday, September 17, 2002. During this public session, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge
2. Motion to Dismiss
3. Complainant's Response to Respondent's Second Motion to Dismiss and Complainant's Motion for Enlargement of Time to File Appeal Brief
4. Reply to Complainant's Response to Respondent's Second Motion to Dismiss and Complainant's Motion for Enlargement of Time to File Appeal Brief
5. Order re: Respondent's Motion to Dismiss and Complainant's Motion for Enlargement of Time to File Appeal Brief

The Board voted to grant Respondent's Motion to Dismiss.

This order represents the affirmative vote of the following Board members: Ms. Salkind, Ms. Siderius, Mr. Zakhem, and Ms. Lottner. Ms. Garcia was absent.

Dated this \_\_\_\_\_ day of  
September, 2002.

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Joyce Lottner  
Board Chair  
State Personnel Board  
1120 Lincoln Street, Suite 1420  
Denver, CO 80203

### NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2002), as provided in Section 24-50-125.4(3), C.R.S. (2002).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

### CERTIFICATE OF MAILING

This is to certify that on the \_\_\_\_\_ day of September, 2002, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Donita B. Rolle-Jackson, Esq.  
28 East Willamette Avenue  
Colorado Springs, CO 80903

And in the interagency mail, addressed as follows:

Joseph F. Haughain  
Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

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